



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 27, 2012

Duane Kikendall  
PO Box 202  
Carlton WA 98814

RE: Trust Water Donation CS4-MVID@66@1

Dear Mr. Kikendall:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your donation to the Washington State Trust Water Right Program submitted on January 23, 2012. The trust water right has been assigned Application No. CS4-MVID@66@1. Please refer to this number when corresponding with us about this trust water right.

The Department of Ecology (Ecology), pursuant to RCW 90.42.080(1)(b), accepts your donation in the amount of 0.08 cfs (36 gpm) cubic feet per second and 11.3 acre-feet per year. The use of water is from an authorized well in continuity with the Methow River. The purpose of the donation is to benefit instream flow in the Methow River from April 15 to September 30, 2012.

**This trust water right expires on April 1, 2013.**

This trust water right is made possible by the fallowing of 4 acres, at the recorded place of use, located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, T. 32 N., R. 22 E.W.M., Parcel Nos. 3222290129 and 322229002.

RCW 90.42.080 provides in part that the total of any portion of the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.

In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

Ecology's acceptance of the donated water right into the trust water right program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water program and for the original purposes.

If, prior to expiration of this temporary donation, you would like to extend the temporary donation, please send us a written request. Also, if you wish to modify any terms of your donation, your letter must include the new terms. Ecology will review your request and any new or modified terms and conditions and will notify you whether the donation can be extended or terminated.

**FILE COPY** A red stamp that reads "FILE COPY" followed by a small recycling symbol.



If you have questions or concerns, please call the Central Region's Trust Water Coordinator, Scott Turner at (509) 457-7106.

### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

### **ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

Sincerely,



Mark Kemner, LHG, Section Manager  
Water Resources Program/CRO

MK:ST:ss/121120

Attachments: Your Right To Be Heard

Certified Mail: 7007 2560 0001 7675 7381

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation  
Lois Trevino, Water Administrator, Colville Confederated Tribes